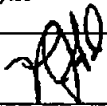


NOV 22 2004

**The Law Offices of Patrick J.S. Inouye**

810 3<sup>rd</sup> Avenue, Suite 258  
Seattle, Washington 98104  
Telephone: (206) 381-3900  
Facsimile: (206) 381-3999

## Facsimile Transmittal

|                                                                                                                                                                                           |                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <b>To:</b> Examiner Carl H. Layno<br>Art Unit: 3762                                                                                                                                       | <b>Fax:</b> (703) 872-9306               |
| <b>From:</b> Patrick J.S. Inouye                                                                         | <b>Date:</b> November 22, 2004           |
| <b>Re:</b> Response to First Office Action<br>Serial No. 10/645,980                                                                                                                       | <b>Pages:</b> 26 (including cover sheet) |
| <b>CC:</b>                                                                                                                                                                                |                                          |
| <input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle |                                          |

**Notes:**

Examiner Layno:

Please find attached the following documents regarding the above-identified U.S. patent application.

- USPTO Transmittal Form
- USPTO Fee Transmittal Form
- Credit Card Payment for \$110.00
- Office Action Response
- Terminal Disclaimer To Obviate A Double Patenting Rejection Over Prior Patents

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CENTRAL FAX CENTER

NOV 22 2004

PTO/SB/21 (04-04)

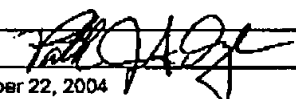
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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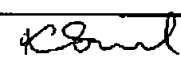
|                                                                                            |                        |                 |
|--------------------------------------------------------------------------------------------|------------------------|-----------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number     | 10/645,980      |
|                                                                                            | Filing Date            | August 22, 2003 |
|                                                                                            | First Named Inventor   | Bardy, Gust H.  |
|                                                                                            | Art Unit               | 3762            |
|                                                                                            | Examiner Name          | Carl H. Layno   |
| Total Number of Pages in This Submission                                                   | Attorney Docket Number | 020.0336.US.CON |

| ENCLOSURES (Check all that apply)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input checked="" type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Facsimile Cover Sheet |
| Remarks _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |                                                                                     |  |  |
|-------------------------|-------------------------------------------------------------------------------------|--|--|
| Firm or Individual name | Law Offices of Patrick J.S. Inouye                                                  |  |  |
| Signature               |  |  |  |
| Date                    | November 22, 2004                                                                   |  |  |

## CERTIFICATE OF TRANSMISSION/MAILING

|                                                                                                                                                                                                                                                                                                               |                                                                                     |      |                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------|-------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                                                                                     |      |                   |
| Typed or printed name                                                                                                                                                                                                                                                                                         | Krystyna Szul                                                                       |      |                   |
| Signature                                                                                                                                                                                                                                                                                                     |  | Date | November 22, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)**110.00****Complete if Known**

Application Number 10/645,980

Filing Date August 22, 2003

First Named Inventor Bardy

Examiner Name Carl H. Layno

Art Unit 3762

Attorney Docket No. 020.0336.US.CON

**METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account
 Deposit Account Number  
 503031  
 Deposit Account Name  
 Law Offices of Patrick J.S. Inoue

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description                                                            | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|----------------------------------------------------------------------------|----------|
| 1051                  | 130                   | 2051                  | 65                    | Surcharge - late filing fee or oath                                        |          |
| 1052                  | 50                    | 2052                  | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                  | 130                   | 1053                  | 130                   | Non-English specification                                                  |          |
| 1812                  | 2,520                 | 1812                  | 2,520                 | For filing a request for ex parte reexamination                            |          |
| 1804                  | 920*                  | 1804                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                  | 1,840*                | 1805                  | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 1281                  | 110                   | 2251                  | 55                    | Extension for reply within first month                                     |          |
| 1252                  | 430                   | 2252                  | 215                   | Extension for reply within second month                                    |          |
| 1253                  | 960                   | 2253                  | 480                   | Extension for reply within third month                                     |          |
| 1254                  | 1,530                 | 2254                  | 765                   | Extension for reply within fourth month                                    |          |
| 1255                  | 2,080                 | 2255                  | 1,040                 | Extension for reply within fifth month                                     |          |
| 1401                  | 340                   | 2401                  | 170                   | Notice of Appeal                                                           |          |
| 1402                  | 340                   | 2402                  | 170                   | Filing a brief in support of an appeal                                     |          |
| 1403                  | 300                   | 2403                  | 150                   | Request for oral hearing                                                   |          |
| 1451                  | 1,510                 | 1451                  | 1,510                 | Petition to institute a public use proceeding                              |          |
| 1452                  | 110                   | 2452                  | 55                    | Petition to revive - unavoidable                                           |          |
| 1453                  | 1,370                 | 2453                  | 685                   | Petition to revive - unintentional                                         |          |
| 1501                  | 1,370                 | 2501                  | 685                   | Utility issue fee (or release)                                             |          |
| 1502                  | 490                   | 2502                  | 245                   | Design issue fee                                                           |          |
| 1503                  | 660                   | 2503                  | 330                   | Plant issue fee                                                            |          |
| 1480                  | 130                   | 1480                  | 130                   | Petitions to the Commissioner                                              |          |
| 1807                  | 50                    | 1807                  | 50                    | Processing fee under 37 CFR 1.17(q)                                        |          |
| 1808                  | 180                   | 1808                  | 180                   | Submission of Information Disclosure Stmt                                  |          |
| 8021                  | 40                    | 8021                  | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 1809                  | 790                   | 2809                  | 395                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                  | 790                   | 2810                  | 395                   | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                  | 790                   | 2801                  | 395                   | Request for Continued Examination (RCE)                                    |          |
| 1802                  | 900                   | 1802                  | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify)

Terminal Disclaimer

110

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)**110.00****FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description        | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 1001                  | 780                   | 2001                  | 395                   | Utility filing fee     |          |
| 1002                  | 350                   | 2002                  | 175                   | Design filing fee      |          |
| 1003                  | 550                   | 2003                  | 275                   | Plant filing fee       |          |
| 1004                  | 790                   | 2004                  | 395                   | Release filing fee     |          |
| 1005                  | 160                   | 2005                  | 80                    | Provisional filing fee |          |

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims Independent Claims | Extra Claims | Fee from below | Fee Paid |
|---------------------------------|--------------|----------------|----------|
| 20**                            | X            |                |          |
| 3**                             | X            |                |          |
| Multiple Dependent              |              |                |          |

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description                                           |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------------------------------------------|
| 1202                  | 18                    | 2202                  | 9                     | Claims in excess of 20                                    |
| 1201                  | 88                    | 2201                  | 44                    | Independent claims in excess of 3                         |
| 1203                  | 300                   | 2203                  | 150                   | Multiple dependent claim, if not paid                     |
| 1204                  | 88                    | 2204                  | 44                    | **Reissue independent claims over original patent         |
| 1205                  | 18                    | 2205                  | 9                     | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater. For Reissues, see above

**SUBMITTED BY**

| Name (Print/Type)         | Registration No. (Attorney/Agent) | Telephone      |
|---------------------------|-----------------------------------|----------------|
| Patrick J.S. Inoue        | 40297                             | (206) 381-3900 |
| Signature                 | Date                              |                |
| <i>Patrick J.S. Inoue</i> | November 22, 2004                 |                |

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